

109TH CONGRESS  
1ST SESSION

# S. 1605

To amend title 18, United States Code, to protect public safety officers, judges, witnesses, victims, and their family members, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JULY 29, 2005

Mr. KYL (for himself, Mr. PRYOR, Mr. CORNYN, Mr. GRAHAM, Mr. BROWNBACK, and Mr. CHAMBLISS) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To amend title 18, United States Code, to protect public safety officers, judges, witnesses, victims, and their family members, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Law-Enforcement Officers’ Protection Act of 2005”.

6 (b) TABLE OF CONTENTS.—The table of contents for  
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Offense of murder or manslaughter of a federally funded public safety officer.

- Sec. 3. Increased penalties for assault of federally funded public safety officers, Federal judges, and other Federal officials.
- Sec. 4. Increased penalties for retaliating against a federally funded public safety officer, Federal judge, or other Federal official by murdering or assaulting a family member.
- Sec. 5. Increased penalties for murder, manslaughter, and related crimes under Federal jurisdiction.
- Sec. 6. Ensuring fair and expeditious Federal collateral review of convictions for killing a public safety officer or State judge.
- Sec. 7. Limitation on damages incurred during commission of a felony or crime of violence.
- Sec. 8. Improvements to the Law Enforcement Officers' Safety Act.
- Sec. 9. Increased penalties for injuring or influencing a judicial officer or juror.
- Sec. 10. Increased penalties for tampering with a witness, victim, or an informant.
- Sec. 11. Increased penalties for retaliation against a witness, victim, or informant.
- Sec. 12. Protections against malicious recording of fictitious liens against Federal judges, federally funded public safety officers, or other Federal officials.
- Sec. 13. Protection of individuals performing certain Federal and federally assisted functions.

1 **SEC. 2. OFFENSE OF MURDER OR MANSLAUGHTER OF A**  
 2 **FEDERALLY FUNDED PUBLIC SAFETY OFFI-**  
 3 **CER.**

4 Section 1114 of title 18, United States Code, is  
 5 amended—

6 (1) by striking “Whoever” and inserting “(a)  
 7 IN GENERAL.—Whoever”;

8 (2) in new subsection (a), by inserting “feder-  
 9 ally funded public safety officer or any” after “Who-  
 10 ever kills or attempts to kill any”; and

11 (3) by inserting at the end the following:

12 “(b) DEFINITION.—As used in this section:

13 “(1) FEDERALLY FUNDED PUBLIC SAFETY OF-  
 14 FICER.—The term ‘federally funded public safety of-  
 15 ficer’ means a public safety officer for a public agen-

1 cy (including a court system) that receives Federal  
2 financial assistance.

3 “(2) JUDICIAL OFFICER.—The term ‘judicial  
4 officer’ means a judge or other officer or employee  
5 of a court, including prosecutors and corrections,  
6 probation, and parole officers.

7 “(3) PUBLIC AGENCY.—The term ‘public agen-  
8 cy’ has the meaning given such term in section 1204  
9 of the Omnibus Crime Control and Safe Streets Act  
10 of 1968.

11 “(4) PUBLIC SAFETY OFFICER.—The term  
12 ‘public safety officer’ has the meaning given such  
13 term in section 1204 of the Omnibus Crime Control  
14 and Safe Streets Act of 1968 and also includes a ju-  
15 dicial officer.”.

16 **SEC. 3. INCREASED PENALTIES FOR ASSAULT OF FEDER-**  
17 **ALLY FUNDED PUBLIC SAFETY OFFICERS,**  
18 **FEDERAL JUDGES, AND OTHER FEDERAL OF-**  
19 **FICIALS.**

20 (a) REVISION OF SECTION 111.—Section 111 of title  
21 18, United States Code, is amended to read as follows:

22 **“§ 111. Assault and interference with certain public**  
23 **officers and employees**

24 “Whoever assaults or interferes with a person des-  
25 ignated in section 1114, while such person is engaged in,

1 or on account of, official duties, or assaults a person who  
 2 formerly served as a person designated in section 1114  
 3 on account of the performance of official duties, shall be  
 4 fined under this title and—

5 “(1) if the conduct constituting the offense is  
 6 an interference or a simple assault, be imprisoned  
 7 not more than one year, or both;

8 “(2) if the assault resulted in bodily injury (as  
 9 defined in section 1365), be imprisoned not less than  
 10 5 nor more than 20 years;

11 “(3) if a dangerous weapon was used or pos-  
 12 sessed during and in relation to the offense, be im-  
 13 prisoned not less than 15 nor more than 40 years;

14 “(4) if the assault resulted in serious bodily in-  
 15 jury (as defined for purposes of section 2119(2)), be  
 16 imprisoned not less than 15 nor more than 40 years;  
 17 and

18 “(5) in any other case, be imprisoned not less  
 19 than 2 nor more than 10 years.”.

20 (b) CLERICAL AMENDMENT.—The item relating to  
 21 section 111 in the table of sections at the beginning of  
 22 chapter 7 of title 18, United States Code, is amended to  
 23 read as follows:

“111. Assault and interference with certain public officers and employees.”.

1 **SEC. 4. INCREASED PENALTIES FOR RETALIATING AGAINST**  
2 **A FEDERALLY FUNDED PUBLIC SAFETY OFFI-**  
3 **CER, FEDERAL JUDGE, OR OTHER FEDERAL**  
4 **OFFICIAL BY MURDERING OR ASSAULTING A**  
5 **FAMILY MEMBER.**

6 (a) PENALTIES.—Section 115(b) of title 18, United  
7 States Code, is amended to read as follows:

8 “(b)(1) The punishment for an assault in violation  
9 of this section is a fine under this title and—

10 “(A) if the assault consists of a simple assault,  
11 a term of imprisonment for not more than one year,  
12 or both;

13 “(B) if the assault resulted in bodily injury (as  
14 used in section 1365), a term of imprisonment for  
15 not less than 5 nor more than 20 years;

16 “(C) if a dangerous weapon was used or pos-  
17 sessed during and in relation to the offense, a term  
18 of imprisonment not less than 15 nor more than 40  
19 years;

20 “(D) if the assault resulted in serious bodily in-  
21 jury (as defined for purposes of section 2119(2)), a  
22 term of imprisonment not less than 15 nor more  
23 than 40 years; and

24 “(E) in any other case, not less than 2 nor  
25 more than 10 years.

1       “(2) The punishment for a kidnaping, attempted kid-  
 2   naping, or conspiracy to kidnap in violation of this section  
 3   is a fine under this title and imprisonment for any term  
 4   of years not less than 30, or for life.

5       “(3) The punishment for a murder, attempted mur-  
 6   der, or conspiracy to murder in violation of this section  
 7   is a fine under this title and imprisonment for any term  
 8   of years not less than 30, or for life, or the death penalty.

9       “(4) A threat made in violation of this section shall  
 10   be punished by a fine under this title and imprisonment  
 11   for a term of not less than 5 years nor more than 20 years.

12       “(5) Each punishment for criminal conduct under  
 13   this section shall be in addition to any other punishment,  
 14   whether imposed for a conviction under this section or oth-  
 15   erwise, for other criminal conduct during the same crimi-  
 16   nal episode.”.

17       (b) CONFORMING AMENDMENTS RELATING TO  
 18   CROSS REFERENCE TO SECTION 1114.—

19               (1) SECTION HEADING.—The heading for sec-  
 20   tion 115 of title 18, United States Code, is amended  
 21   to read as follows:

1 **“§ 115. Influencing, impeding, or retaliating against**  
 2 **certain officials by threats or by injuring**  
 3 **a family member”.**

4 (2) TABLE OF SECTIONS.—The item relating to  
 5 section 115 in the table of sections at the beginning  
 6 of chapter 7 of title 18, United States Code, is  
 7 amended to read as follows:

“115. Influencing, impeding, or retaliating against certain officials by threats or  
 by injuring a family member”.

8 **SEC. 5. INCREASED PENALTIES FOR MURDER, MAN-**  
 9 **SLAUGHTER, AND RELATED CRIMES UNDER**  
 10 **FEDERAL JURISDICTION.**

11 (a) MURDER AMENDMENTS.—Section 1111(b) of  
 12 title 18, United States Code, is amended by inserting “not  
 13 less than 30” after “any term of years”.

14 (b) MANSLAUGHTER AMENDMENTS.—Section  
 15 1112(b) of title 18, United States Code, is amended—

16 (1) by striking “or imprisoned” and all that fol-  
 17 lows through “both” and inserting “and imprisoned  
 18 for a term of years not less than 15 years nor more  
 19 than 40 years”; and

20 (2) by striking “or imprisoned” and all that fol-  
 21 lows through “both” and inserting “and imprisoned  
 22 for a term of years not more less than 3 years nor  
 23 more than 15 years”.

1 (c) ATTEMPT AMENDMENT.—Section 1113 of title  
 2 18, United States Code, is amended by striking “shall, for  
 3 an attempt to commit murder” and all that follows  
 4 through the period at the end of the section and inserting  
 5 “shall be punished as is provided for a completed of-  
 6 fense.”.

7 (d) CONSPIRACY AMENDMENT.—Section 1117 of title  
 8 18, United States Code, is amended by striking “by im-  
 9 prisonment for any term of years or for life” and inserting  
 10 “as is provided for the violation which is the object of the  
 11 conspiracy”.

12 **SEC. 6. ENSURING FAIR AND EXPEDITIOUS FEDERAL COL-**  
 13 **LATERAL REVIEW OF CONVICTIONS FOR**  
 14 **KILLING A PUBLIC SAFETY OFFICER OR**  
 15 **STATE JUDGE.**

16 (a) SHORT TITLE.—This section may be cited as the  
 17 “Dr. John B. Jamison Act”.

18 (b) LIMITS ON CASES.—Section 2254 of title 28,  
 19 United States Code, is amended by adding at the end the  
 20 following:

21 “(j)(1) A court, justice, or judge shall not have juris-  
 22 diction to consider any claim relating to the judgment or  
 23 sentence in an application described under paragraph (2),  
 24 unless the applicant shows that the claim qualifies for con-  
 25 sideration on the grounds described in subsection (e)(2).



1 Any such application that is presented to a court, justice,  
2 or judge other than a district court shall be transferred  
3 to the appropriate district court for consideration or dis-  
4 missal in conformity with this subsection, except that a  
5 court of appeals panel must authorize any second or suc-  
6 cessive application in conformity with section 2244 before  
7 any consideration by the district court. Relief shall not be  
8 granted with respect to any claim in an application de-  
9 scribed in paragraph (2) unless the denial of relief is con-  
10 trary to, or would entail an unreasonable application of,  
11 clearly established Federal law, as determined by the Su-  
12 preme Court of the United States.

13 “(2) This subsection applies to an application for a  
14 writ of habeas corpus on behalf of a person in custody  
15 pursuant to the judgment of a State court for a crime  
16 that involved the killing of a public safety officer while  
17 the public safety officer was engaged in the performance  
18 of official duties, or on account of the public safety offi-  
19 cer’s performance of official duties or status as a public  
20 safety officer.

21 “(3) For an application described in paragraph (2),  
22 the following requirements shall apply in the district court:

23 “(A) Any motion by either party for an evi-  
24 dentiary hearing shall be filed and served not later  
25 than 90 days after the State files its answer or, if

1 no timely answer is filed, the date on which such an-  
2 swer is due.

3 “(B) Any motion for an evidentiary hearing  
4 shall be granted or denied not later than 30 days  
5 after the date on which the party opposing such mo-  
6 tion files a pleading in opposition to such motion or,  
7 if no timely pleading in opposition is filed, the date  
8 on which such pleading in opposition is due.

9 “(C) Any evidentiary hearing shall be—

10 “(i) convened not less than 60 days after  
11 the order granting such hearing; and

12 “(ii) completed not more than 150 days  
13 after the order granting such hearing.

14 “(D) A district court shall enter a final order,  
15 granting or denying the application for a writ of ha-  
16 beas corpus, not later than 15 months after the date  
17 on which the State files its answer or, if no timely  
18 answer is filed, the date on which such answer is  
19 due, or not later than 60 days after the case is sub-  
20 mitted for decision, whichever is earlier.

21 “(E) If the district court fails to comply with  
22 the requirements of this paragraph, the State may  
23 petition the court of appeals for a writ of mandamus  
24 to enforce the requirements. The court of appeals  
25 shall grant or deny the petition for a writ of man-

1        damus not later than 30 days after such petition is  
2        filed with the court.

3        “(4) For an application described in paragraph (2),  
4        the following requirements shall apply in the court of ap-  
5        peals:

6                “(A) A timely filed notice of appeal from an  
7        order issuing a writ of habeas corpus shall operate  
8        as a stay of that order pending final disposition of  
9        the appeal.

10              “(B) The court of appeals shall decide the ap-  
11        peal from an order granting or denying a writ of ha-  
12        beas corpus—

13                      “(i) not later than 120 days after the date  
14        on which the brief of the appellee is filed or, if  
15        no timely brief is filed, the date on which such  
16        brief is due; or

17                      “(ii) if a cross-appeal is filed, not later  
18        than 120 days after the date on which the ap-  
19        pellant files a brief in response to the issues  
20        presented by the cross-appeal or, if no timely  
21        brief is filed, the date on which such brief is  
22        due.

23              “(C)(i) Following a decision by a panel of the  
24        court of appeals under subparagraph (B), a petition  
25        for panel rehearing is not allowed, but rehearing by

1 the court of appeals en banc may be requested. The  
2 court of appeals shall decide whether to grant a peti-  
3 tion for rehearing en banc not later than 30 days  
4 after the date on which the petition is filed, unless  
5 a response is required, in which case the court shall  
6 decide whether to grant the petition not later than  
7 30 days after the date on which the response is filed  
8 or, if no timely response is filed, the date on which  
9 the response is due.

10 “(ii) If rehearing en banc is granted, the court  
11 of appeals shall make a final determination of the  
12 appeal not later than 120 days after the date on  
13 which the order granting rehearing en banc is en-  
14 tered.

15 “(D) If the court of appeals fails to comply  
16 with the requirements of this paragraph, the State  
17 may petition the Supreme Court or a justice thereof  
18 for a writ of mandamus to enforce the requirements.

19 “(5)(A) The time limitations under paragraphs (3)  
20 and (4) shall apply to an initial application described in  
21 paragraph (2), any second or successive application de-  
22 scribed in paragraph (2), and any redetermination of an  
23 application described in paragraph (2) or related appeal  
24 following a remand by the court of appeals or the Supreme  
25 Court for further proceedings.

1       “(B) In proceedings following remand in the district  
2 court, time limits running from the time the State files  
3 its answer under paragraph (3) shall run from the date  
4 the remand is ordered if further briefing is not required  
5 in the district court. If there is further briefing following  
6 remand in the district court, such time limits shall run  
7 from the date on which a responsive brief is filed or, if  
8 no timely responsive brief is filed, the date on which such  
9 brief is due.

10       “(C) In proceedings following remand in the court of  
11 appeals, the time limit specified in paragraph (4)(B) shall  
12 run from the date the remand is ordered if further briefing  
13 is not required in the court of appeals. If there is further  
14 briefing in the court of appeals, the time limit specified  
15 in paragraph (4)(B) shall run from the date on which a  
16 responsive brief is filed or, if no timely responsive brief  
17 is filed, from the date on which such brief is due.

18       “(6) The failure of a court to meet or comply with  
19 a time limitation under this subsection shall not be a  
20 ground for granting relief from a judgment of conviction  
21 or sentence, nor shall the time limitations under this sub-  
22 section be construed to entitle a capital applicant to a stay  
23 of execution, to which the applicant would otherwise not  
24 be entitled, for the purpose of litigating any application  
25 or appeal.

1       “(7) In this subsection the term ‘public safety officer’  
 2 has the meaning given such term in section 1114 of title  
 3 18.”.

4       (c) RIGHTS ASSOCIATED WITH HABEAS CORPUS  
 5 PROCEEDINGS.—Section 3771(b) of title 18, United  
 6 States Code, is amended—

7           (1) by striking “In any court proceeding” and  
 8 inserting the following:

9           “(1) IN GENERAL.—In any court proceeding”;  
 10 and

11           (2) by adding at the end the following:

12           “(2) HABEAS CORPUS PROCEEDINGS.—

13               “(A) IN GENERAL.—In a Federal habeas  
 14 corpus proceeding arising out of a State convic-  
 15 tion, the court shall ensure that a crime victim  
 16 is afforded the rights described in paragraphs  
 17 (3), (4), (7), and (8) of subsection (a).

18               “(B) ENFORCEMENT.—

19                   “(i) IN GENERAL.—These rights may  
 20 be enforced by the crime victim or the  
 21 crime victim’s lawful representative in the  
 22 manner described in paragraphs (1) and  
 23 (3) of subsection (d).

1                   “(ii) MULTIPLE VICTIMS.—In a case  
2                   involving multiple victims, subsection  
3                   (d)(2) shall also apply.

4                   “(C) LIMITATION.—This paragraph relates  
5                   to the duties of a court in relation to the rights  
6                   of a crime victim in Federal habeas corpus pro-  
7                   ceedings arising out of a State conviction, and  
8                   does not give rise to any obligation or require-  
9                   ment applicable to personnel of any agency of  
10                  the Executive Branch of the Federal Govern-  
11                  ment.

12                  “(D) DEFINITION.—For purposes of this  
13                  paragraph, the term ‘crime victim’ means the  
14                  person against whom the State offense is com-  
15                  mitted or, if that person is killed or incapac-  
16                  tated, that person’s family member or other  
17                  lawful representative.”.

18                  (d) APPLICATION TO PENDING CASES.—

19                   (1) IN GENERAL.—The amendments made by  
20                   this section shall apply to cases pending on or after  
21                   the date of enactment of this Act.

22                   (2) TIME LIMITS.—In a case pending on the  
23                   date of enactment of this Act, if the amendments  
24                   made by this section provide that a time limit runs  
25                   from an event or time that has occurred prior to

1       such date of enactment, the time limit shall run in-  
 2       stead from such date of enactment.

3   **SEC. 7. LIMITATION ON DAMAGES INCURRED DURING COM-**  
 4               **MISSION OF A FELONY OR CRIME OF VIO-**  
 5               **LENCE.**

6       (a) IN GENERAL.—Section 1979 of the Revised Stat-  
 7       utes (42 U.S.C. 1983) is amended by—

8               (1) striking “except that in any action brought  
 9       against a judicial officer for an act or omission  
 10       taken in such officer’s judicial capacity, injunctive  
 11       relief shall not be granted unless a declaratory de-  
 12       cree was violated or declaratory relief was unavail-  
 13       able.” and inserting the following: “except that—

14               “(1) in any action brought against a judicial of-  
 15       ficer for an act or omission taken in such officer’s  
 16       judicial capacity, injunctive relief shall not be grant-  
 17       ed unless a declaratory decree was violated or de-  
 18       claratory relief was unavailable; and

19               “(2) in any action seeking redress for a depri-  
 20       vation that was incurred in the course of, or as a re-  
 21       sult of, or is related to, conduct by the injured party  
 22       that, more likely than not, constituted a felony or a  
 23       crime of violence (as defined in section 16 of title  
 24       18, United States Code), including any deprivation  
 25       in the course of arrest or apprehension for, or the



1 investigation, prosecution, or adjudication of such an  
2 offense, a court shall not have jurisdiction to con-  
3 sider a claim for damages other than for necessary  
4 out-of-pocket expenditures and other monetary  
5 loss.”; and

6 (2) indenting the last sentence as an undesig-  
7 nated paragraph.

8 (b) ATTORNEY’S FEES.—Section 722(b) of the Re-  
9 vised Statutes (42 U.S.C. 1988(b)) is amended by striking  
10 “except that in any action brought against a judicial offi-  
11 cer for an act or omission taken in such officer’s judicial  
12 capacity such officer shall not be held liable for any costs,  
13 including attorneys fees, unless such action was clearly in  
14 excess of such officer’s jurisdiction.” and inserting the fol-  
15 lowing: “except that—

16 “(1) in any action brought against a judicial of-  
17 ficer for an act or omission taken in such officer’s  
18 judicial capacity, such officer shall not be held liable  
19 for any costs, including attorneys fees, unless such  
20 action was clearly in excess of such officer’s jurisdic-  
21 tion; and

22 “(2) in any action seeking redress for a depri-  
23 vation that was incurred in the course of, or as a re-  
24 sult of, or is related to, conduct by the injured party  
25 that, more likely than not, constituted a felony or a

1 crime of violence (as defined in section 16 of title  
 2 18, United States Code), including any deprivation  
 3 in the course of arrest or apprehension for, or the  
 4 investigation, prosecution, or adjudication of, such  
 5 an offense, the court may not allow such party to re-  
 6 cover attorney’s fees.”.

7 **SEC. 8. IMPROVEMENTS TO THE LAW ENFORCEMENT OFFI-**  
 8 **CERS’ SAFETY ACT.**

9 Section 926C of title 18, United States Code, is  
 10 amended—

11 (1) in subsection (c)—

12 (A) in paragraph (3)(A), by striking “was  
 13 regularly employed as a law enforcement officer  
 14 for an aggregate of 15 years or more” and in-  
 15 serting “served as a law enforcement officer for  
 16 an aggregate of 10 years or more”; and

17 (B) by striking paragraphs (4) and (5),  
 18 and designating paragraphs (6) and (7) as  
 19 paragraphs (4) and (5), respectively; and

20 (2) in subsection (d)—

21 (A) in paragraph (1), by striking “or”  
 22 after the semicolon;

23 (B) in paragraph (2)(B), by striking the  
 24 period and inserting “; or”; and

25 (C) by adding at the end the following:

1 “(3) in those States or for those law-enforce-  
2 ment agencies that do not issue the identification or  
3 certification required by paragraph (1) or (2)—

4 “(A) an identification issued by the agency  
5 from which the individual retired from service  
6 as a law enforcement officer;

7 “(B) a photographic identification issued  
8 by an agency of the State in which the indi-  
9 vidual resides, such as a driver’s license or a  
10 State identification card; and

11 “(C) a document issued by the State in  
12 which the individual resides that either certifies  
13 that the individual is authorized by the laws of  
14 that State to carry a concealed firearm, or, in  
15 those States that do not provide mandatory and  
16 objective standards for the issuance of such a li-  
17 cense, certifies that the individual has received  
18 training in the safe handling of firearms or has  
19 completed a firearms safety or training course  
20 for security guards or investigators.”.

21 **SEC. 9. INCREASED PENALTIES FOR INJURING OR INFLU-**  
22 **ENCING A JUDICIAL OFFICER OR JUROR.**

23 Section 1503 of title 18, United States Code, is  
24 amended—

1           (1) by striking subsection (a) and inserting the  
2           following:

3           “(a)(1) Whoever—

4               “(A) corruptly, or by threats or force, or by any  
5               threatening letter or communication, endeavors to  
6               influence, intimidate, or impede a juror or officer in  
7               a judicial proceeding in the discharge of that juror  
8               or officer’s duty;

9               “(B) injures a juror or an officer in a judicial  
10              proceeding on account of the performance of official  
11              duties as such juror or officer; or

12              “(C) corruptly, or by threats or force, or by any  
13              threatening letter or communication, influences, ob-  
14              structs, or impedes, or endeavors to influence, ob-  
15              struct, or impede, the due administration of justice;  
16              or attempts or conspires to do so, shall be punished  
17              as provided in subsection (b).

18           “(2) As used in this section, the term ‘juror or officer  
19           in a judicial proceeding’ means a grand or petit juror, or  
20           other officer in or of any court of the United States, or  
21           an officer who may be serving at any examination or other  
22           proceeding before any United States magistrate judge or  
23           other committing magistrate.”;

24           (2) by striking subsection (b) and inserting the  
25           following:

1       “(b) The punishment for an offense under this sec-  
2   tion is—

3               “(1) in the case of a killing, the punishment  
4   provided in sections 1111 and 1112:

5               “(2) in a case in which the offense was com-  
6   mitted against a petit juror for a matter in which  
7   a felony was charged, imprisonment for any term of  
8   years not less than 20 years, or for life, and a fine  
9   under this title; and

10              “(3) in any other case, a fine under this title  
11   and imprisonment for not less than 10 years nor  
12   more than 30 years.

13              “(c) An attempt or a conspiracy to commit an offense  
14   punishable under this section shall be punished as is pro-  
15   vided for the completed offense or the violation which is  
16   the object of the conspiracy”.

17   **SEC. 10. INCREASED PENALTIES FOR TAMPERING WITH A**  
18                   **WITNESS, VICTIM, OR AN INFORMANT.**

19              (a) CHANGES IN PENALTIES.—Section 1512 of title  
20   18, United States Code, is amended—

21                   (1) in subsection (a)(3)—

22                           (A) by striking subparagraph (B); and

23                           (B) in subparagraph (C), by striking “not  
24   more than 10 years” and inserting “not less  
25   than 5 years nor more than 20 years”;

1           (2) in subsection (b), by striking “or impris-  
 2           oned not more than ten years, or both” and insert-  
 3           ing “not less than 5 years nor more than 20 years”;

4           (3) in subsection (c), by striking “or imprisoned  
 5           not more than twenty years, or both” and inserting  
 6           “and imprisoned not less than 5 years nor more  
 7           than 20 years”; and

8           (4) in subsection (d), by striking “or impris-  
 9           oned not more than one year, or both” and inserting  
 10          “and imprisoned not less than 5 years nor more  
 11          than 20 years”.

12          (b) ATTEMPT.—Section 1512(k) of title 18, United  
 13 States Code, is amended—

14           (1) by inserting “attempts or” before “con-  
 15           spires”; and

16           (2) by inserting “attempted or” before “the  
 17           commission”.

18 **SEC. 11. INCREASED PENALTIES FOR RETALIATION**  
 19 **AGAINST A WITNESS, VICTIM, OR INFORM-**  
 20 **ANT.**

21          Section 1513 of title 18, United States Code, is  
 22 amended—

23           (1) in subsection (a)(1)(B)—

24                   (A) by inserting a comma after “proba-  
 25                   tion”; and

1 (B) by striking the comma which imme-  
2 diately follows another comma;

3 (2) in subsection (a)(2), by striking subpara-  
4 graph (B);

5 (3) in subsection (b), by striking “or impris-  
6 oned not more than ten years, or both” and insert-  
7 ing “and imprisoned not less than 10 years nor  
8 more than 30 years”;

9 (4) in the first subsection (e), by striking “or  
10 imprisoned not more than 10 years, or both” and in-  
11 serting “and imprisoned not less than 10 years nor  
12 more than 30 years”;

13 (5) by redesignating the second subsection (e)  
14 as subsection (f); and

15 (6) in subsection (f) as so redesignated by para-  
16 graph (5)—

17 (A) by inserting “attempts or” before  
18 “conspires”; and

19 (B) by inserting “attempted or” before  
20 “the commission”.

1 **SEC. 12. PROTECTIONS AGAINST MALICIOUS RECORDING**  
 2 **OF FICTITIOUS LIENS AGAINST FEDERAL**  
 3 **JUDGES, FEDERALLY FUNDED PUBLIC SAFE-**  
 4 **TY OFFICERS, OR OTHER FEDERAL OFFI-**  
 5 **CIALS.**

6 (a) OFFENSE.—Chapter 73 of title 18, United States  
 7 Code, is amended by adding at the end the following:

8 **“SEC. 1521. RETALIATING AGAINST A FEDERAL JUDGE,**  
 9 **FEDERALLY FUNDED PUBLIC SAFETY OFFI-**  
 10 **CER, OR OTHER FEDERAL OFFICIAL BY**  
 11 **FALSE CLAIM OR SLANDER OF TITLE.**

12 “Whoever files or attempts to file, in any public  
 13 record or in any private record which is generally available  
 14 to the public, any false lien or encumbrance against the  
 15 real or personal property of a person designated in section  
 16 1114 shall be fined under this title or imprisoned for not  
 17 more than 10 years, or both.”.

18 (b) CLERICAL AMENDMENT.—The table of sections  
 19 at the beginning of chapter 73 of title 18, United States  
 20 Code, is amended by adding at the end the following new  
 21 item:

“1521. Retaliating against a Federal judge, federally funded public safety offi-  
 cer, or other Federal official by false claim or slander of title.”.



1 **SEC. 13. PROTECTION OF INDIVIDUALS PERFORMING CER-**  
2 **TAIN FEDERAL AND FEDERALLY ASSISTED**  
3 **FUNCTIONS.**

4 (a) OFFENSE.—Chapter 7 of title 18, United States  
5 Code, is amended by adding at the end the following:

6 **“§ 117. Protection of individuals performing certain**  
7 **Federal and federally assisted functions**

8 “(a) Whoever knowingly, and with the intent that it  
9 be used to threaten or intimidate a covered official or to  
10 kidnap, injure, or threaten a covered official or an imme-  
11 diate family member of a covered official as defined in sec-  
12 tion 115(c)(2) of this title, makes restricted personal in-  
13 formation about a covered official publicly available shall  
14 be fined under this title and imprisoned for 5 years.

15 “(b) It is a defense to a prosecution under this sec-  
16 tion that the covered official gave permission to make the  
17 restricted personal information publicly available.

18 “(c) As used in this section—

19 “(1) the term ‘restricted personal information’  
20 means, with respect to an individual, the Social Se-  
21 curity number, the home address, home phone num-  
22 ber, mobile phone number, personal email, or home  
23 fax number of, and identifiable to, that individual;  
24 and

25 “(2) the term ‘covered official’ means—

1           “(A) an individual designated in section  
2           1114; or

3           “(B) a grand or petit juror, witness, or  
4           other officer in or of, any court of the United  
5           States, or an officer who may be serving at any  
6           examination or other proceeding before any  
7           United States magistrate judge or other com-  
8           mitting magistrate.”.

9           (b) CLERICAL AMENDMENT.—The table of sections  
10          at the beginning of chapter 7 of title 18, United States  
11          Code, is amended by adding at the end the following new  
12          item:

          “117. Protection of individuals performing certain Federal and federally assisted  
          functions.”.

